



United States Attorney
Southern District of New York

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July 30, 2024

By ECF

The Honorable Philip M. Halpern
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *Students for Fair Admissions v. United States Military Academy at West Point, et al.*, No. 23 Civ. 8262 (PMH)

Dear Judge Halpern:

Defendants the United States Military Academy at West Point (“West Point”); Christine Wormuth, Secretary of the Army; Lieutenant General Steven Gilland, Superintendent of West Point; and Lieutenant Colonel Rance Lee, Director of Admissions for West Point (together, “Defendants” or the “Government”) write jointly with Plaintiff Students for Fair Admissions to respectfully request that the Court enter the parties’ proposed protective order, Dkt. No. 108, and clawback order, Dkt. No. 109, filed today pursuant to the parties’ Civil Case Discovery Plan and Scheduling Order, Dkt. No. 103.¹

The parties respectfully submit that good cause exists to enter the parties’ proposed protective order, which deviates from the Court’s form order, given the sensitivity of information and documents that they anticipate exchanging in discovery. For example, Plaintiff anticipates seeking data exports from West Point’s admissions database, which may include “information directly related to a student” that is protected by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g(a)(4), (b)(2)(B). Pursuant to the parties’ proposed protective order, such information would be designated “highly protected.” The parties’ proposed protective order is substantially the same as that entered in *Students for Fair Admissions v. The United States Naval Academy, et al.*, No. 23 Civ. 2699 (D. Md.), Dkt. No. 63, which was also drafted to protect similar sensitive information and documents.

¹ The parties’ ESI protocol, *see* Dkt. No. 103, is attached as Exhibit A.

We thank the Court for its consideration of these requests.

Respectfully,

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